IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 283 of 1994

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL PRAHLADBHAI REVABHAI

Versus

PATEL RAMESHBHAI JETHABHAI

Appearance:

MR PK JANI for Petitioner

MR AJ PATEL for Respondent No. 1-3

MR JAYESH M PATEL for Respondent No. 1-3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a revision application under section 115, CPC, 1908 (as amended in 1976). The present applicant is the original plaintiff who had filed Regular Civil Suit No.30/93 in the Court of Civil Judge (Junior Division), Unjha. Admittedly the cause title of the suit indicated that the present applicant-original plaintiff had filed

the suit in his individual capacity. During the pendency of the suit, the applicant-plaintiff filed an application Exh.25. It is pertinent to note that the said application was specifically only for correcting the cause title of the suit by inserting the word "HUF" against the name of the respondent-defendant no.2. It is pertinent to note that the application was not for amendment of the plaint, whereby the averments made in the plaint were also sought to be rectified. The said application was specifically filed invoking the provisions of Order 1, Rule 10, CPC, which govern only the correction or substitution or addition in respect of a plaintiff. However, as stated above, the application did not pertain to the correction of the cause title of the suit in respect of the plaintiff, but to the correction in respect of defendant no.2. Obviously, therefore, the provision of Order 1, Rule 10, CPC would not apply. For this reason also the order passed by the trial court is eminently sustainable.

2. Even otherwise, consequent to the amendment of the Code of Civil Procedure by virtue of the Code of Civil Procedure (Amendment) Act, 1999, a revision arising under the aforesaid circumstances would not be maintainable.

3. This revision is, therefore, dismissed and rule is discharged with no order as to costs.

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